

**REMARKS**

Claims 1, 2, 5-7, 10-13, 16-18, 21-23, 26, 27 and 30-46 are pending. By this Amendment, claims 3, 4, 8, 9, 14, 15, 19, 20, 24, 25, 28 and 29 are canceled, claims 1, 2, 6, 7, 12, 13, 17, 18, 22, 23, 26 and 27 are amended and claims 30-46 are added.

Reconsideration based on the following remarks is respectfully requested.

**The Claims Satisfy the Requirements of 35 U.S.C. 112, Second Paragraph**

The Office Action rejects claims 1-29 under 35 U.S.C. 112, second paragraph as being indefinite. Claims 2, 7, 13, 18, 23 and 27 are amended to obviate this rejection. Withdrawal of the rejection under 35 U.S.C. 112, second paragraph is respectfully requested.

**The Claims Define Patentable Subject Matter**

The Office Action rejects claims 1-29 under 35 U.S.C. 102(b) over Hanyu et al. (U.S. Patent No. 5,876,877) and under 35 U.S.C 103(a) over Quek et al. (U.S. Patent No. 6,582,856) in view of Hanyu. These rejections are respectfully traversed.

Neither Hanyu nor Quek disclose or even suggest a photomask including, inter alia, a substantially transparent etch stop layer comprising a compound containing Mg and F, as recited in claims 1, 6, 12, 17, 22 and 26.

Instead, Hanyu teaches using a mixture of  $\text{Al}_2\text{O}_3$  and MgO as the etch stop material (see column 5, lines 30-41 of Hanyu), while Quek specifically teaches the use of silicon nitride or silicon oxynitride for the etch stop layer (see column 7, lines 17-18 of Quek).

Appl. No.: 10/658,039  
Amendment filed November 2, 2005  
in response to August 2, 2005 Office Action  
Docket No.: 67493/63

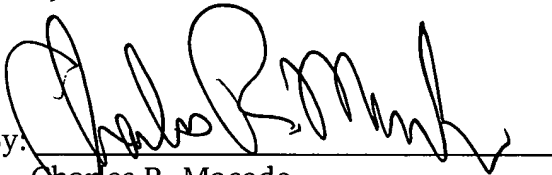
For at least these reasons, it is respectfully submitted that independent claims 1, 6, 12, 17, 22 and 26 are allowable. The dependent claims are also allowable for the reasons discussed, as well as for the additional features they recite.

In light of the foregoing, Applicants respectfully request that a timely Notice of Allowance with respect to all of the pending claims be issued in this case. Authorization is given hereby to charge any deficiency or credit any overpayments to Deposit Account No. 01-1785.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP  
Attorneys for Applicant  
90 Park Avenue  
New York, NY 10016  
(212) 336-8000

Dated: New York, New York  
November 2, 2005

By:   
Charles R. Macedo  
Registration No.: 32,781